

Proposed Zoning Ordinance Changes

City of St. Marys, GA
May 11, 2017

Connie B. Cooper, FAICP
Cooper Consulting Company, Inc.
EPG Consultant Team Member



Summary of Proposed Changes

Proposed Zoning Ordinance Changes



Summary of Zoning Changes

➤ Residential Districts

- Smaller lots with reduced setbacks

➤ Downtown Area

- Form-based design elements

➤ Commercial & Office Districts

- Design standards & min. lot widths/curb cuts
- Office district with TH & MF as special permit

➤ Industrial Districts

- Move heavy uses from light industrial district

➤ Delete Unnecessary Districts

Summary – continued

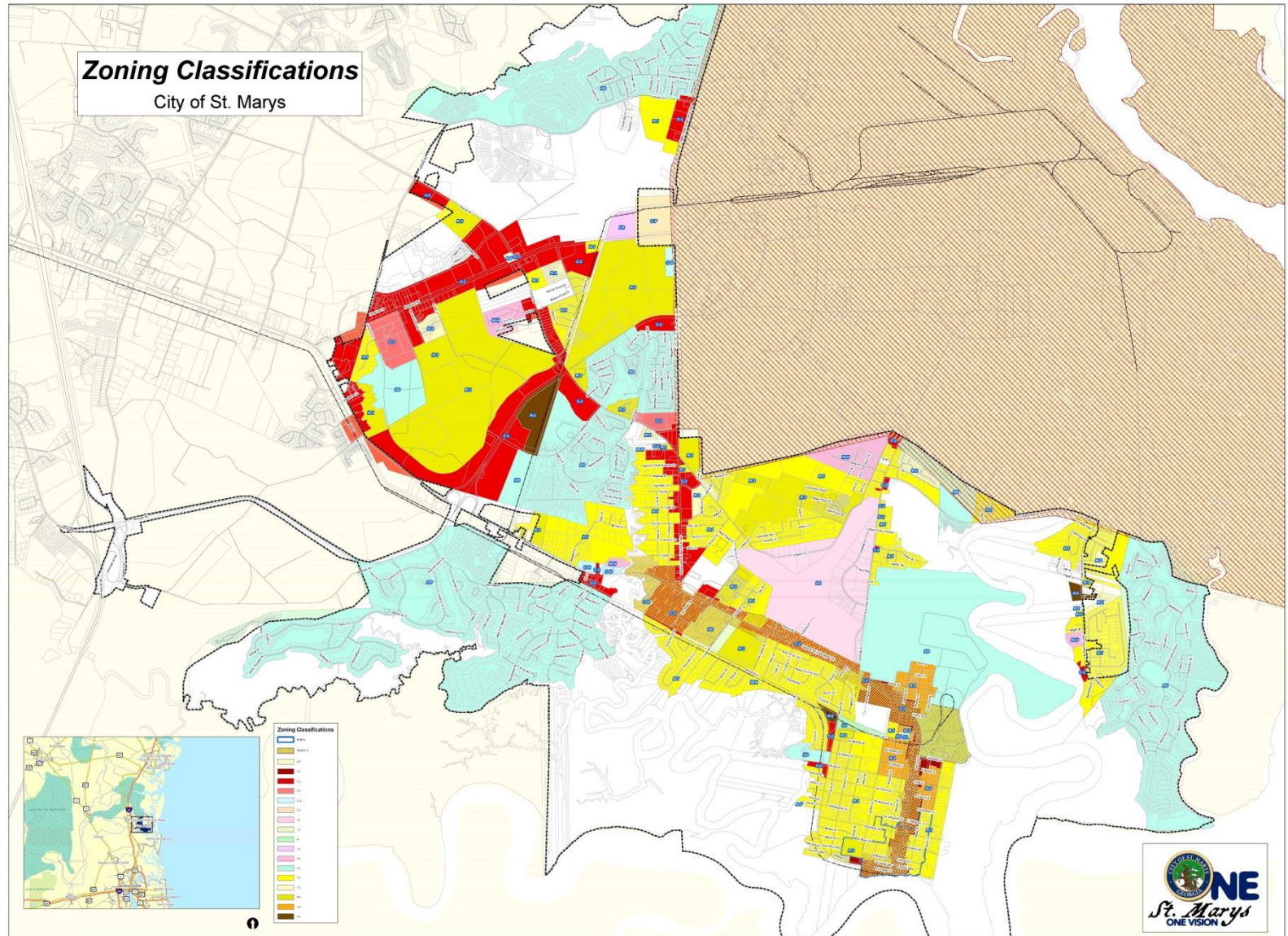
- **Change How Special Permit Uses Handled**
- **Revise Administrative Section**
 - Site Plan Review
 - Administrative Review
 - Application Requirements
 - Nonconformities
 - Zoning and Hearing Procedures
 - Variances
 - Relief Options and Appeals and Enforcement
- **Increase Readability & Function**

Zoning Ordinance – Articles

- Art. I – Introductory Provisions.
- Art. II – Zoning Districts.
- Art. III – Uses, Dimensions & Building Types.
- Art. IV – General Development Standards.
- Art. V – Design Standards & Conditions.
- Art. VI – Parking / Landscape Buffers.
- Art. VII – Administration.
- Art. VIII – Zoning Decisions & Other Actions.
- Art. IX – Appeals.
- Art. X – Enforcement & Penalties.
- Art. XI – Definitions.

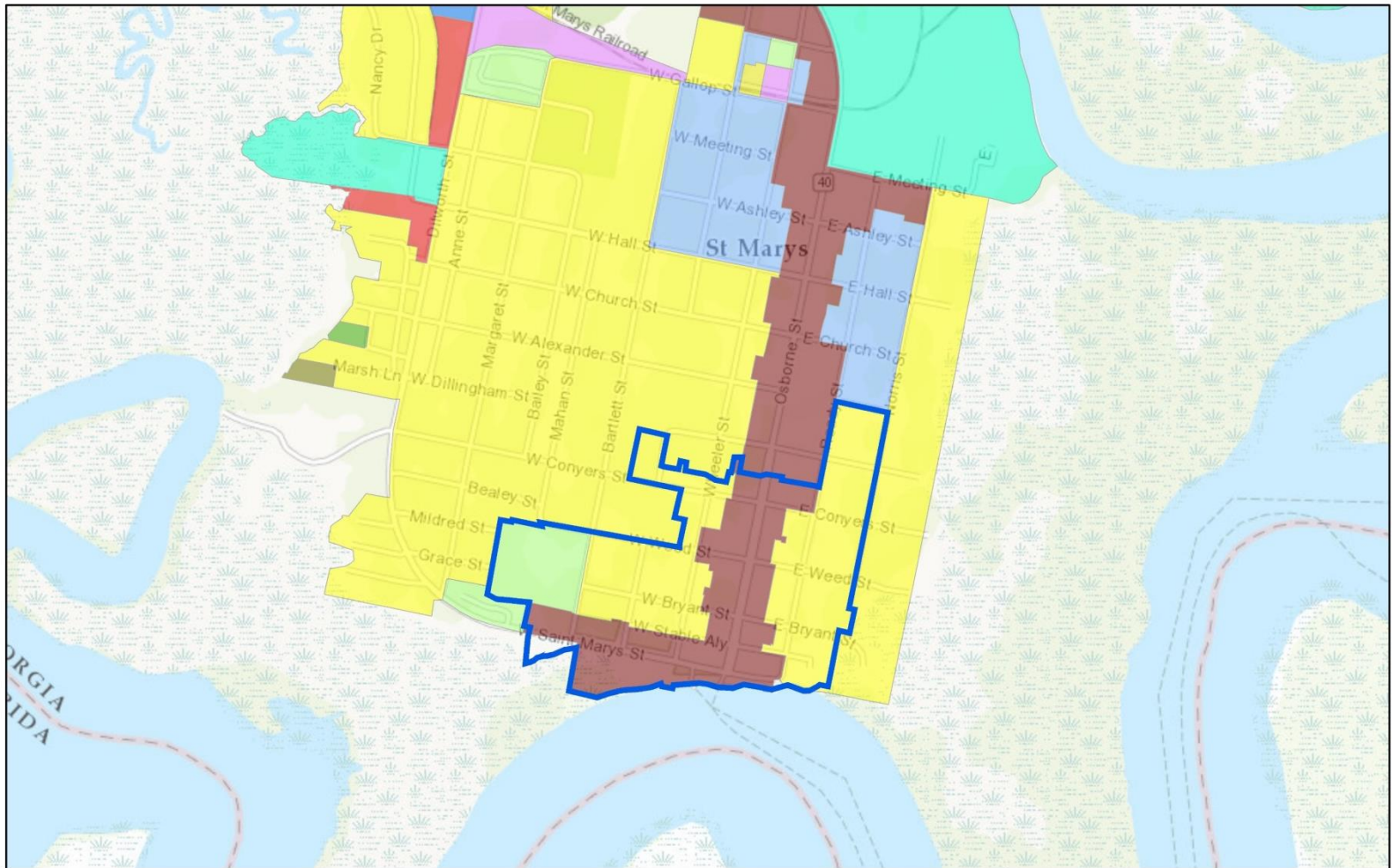
Summary – Citywide Zoning Map

6



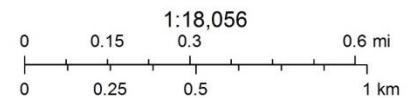
Summary – Downtown Zoning Map

7



August 19, 2016

Historic District	C-1	I-L	R-2	R-5
Zoning Categories	C-2	PD	R-3	
A-F	C-P	R-1	R-4	



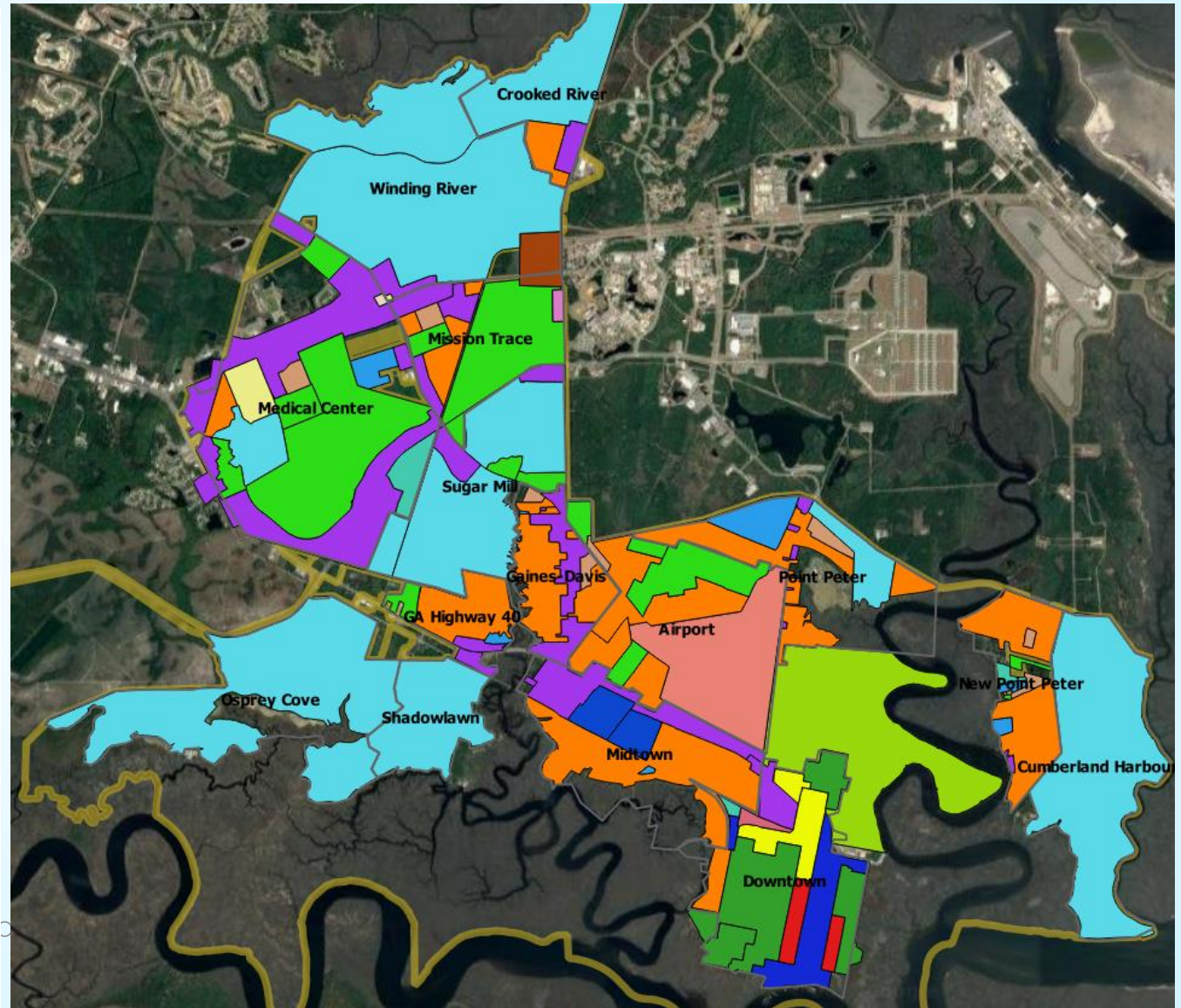
Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey,

Proposed Zoning

Legend

170420.FormBasedZoning

- A-F
- C-2
- C-3
- C-G
- C-P
- DCR
- DMS
- DT
- DTR
- I-A
- I-G
- I-L
- M-H
- PD
- PD I-P
- R-1
- R-2
- R-3
- R-5



Article 1 – Introductory Provisions

Proposed Zoning Ordinance Changes



Article 1 – Introductory Provisions.

10

- Existing Development, Pending Applications
 - No existing building, structure, or lot lawfully in existence shall be considered nonconforming based on:
 - Lots size or existing building setback less than required;
 - Manufactured home location;
 - Provisions regulating build-to standards, transparency, and blank walls.
 - Pending Applications / Projects Under Construction.
 - Shall be processed in accordance with zoning provisions existing on the date the application.

Article 1 – Intro. (cont'd)

11

► Purpose & Intent of Zoning Ordinance.

- Implement the vision, goals and policies within adopted plans, including One St. Marys Master Plan;
- Encourage appropriate land development that minimizes traffic congestion, while promoting pedestrian & biking;
- Foster variety of uses, desirable living conditions, greater housing opportunities, and utilization of vacant land & buildings;
- Promote appropriately located commercial and industrial activities;
- Support improved building design, form and materials;
- Conserve and protect the City's water quality and natural beauty and historic resources;
- Ensure new development conserves energy, land and resources; and,
- Provide for orderly growth and development.

Article II – Zoning Districts

Proposed Zoning Ordinance Changes



Article II – Zoning Districts

13

- R-1 Low Density Single-Family Res.
- R-2 Moderate Density Res.
- R-3 Medium-High Density Res.
- PD Planned Development
- Downtown Form-Based Districts (New)
- Midtown (was C-2)
- O Office (was O-Apt.)
- I-L Light Industrial
- I-G General Industrial
- A-F General Agri. Forestry
- CP Conservation-Pres.
- **Deleted Districts:**
 - R-4 Manuf. Hsg. on Lots
 - R-5 Townhouse Dwelling
 - M-H Manuf. Hsg. Park
 - A-1 Airport Industrial
 - Maritime Heritage
 - WD Waste Disposal
 - RVD Rec. Vehicle & Travel Trailer

Article II – Zoning Districts (cont'd)

14

► Purpose & Intent – Example, Residential

- Protect character of residential neighborhoods through quality building design.
- Discourage uses that would substantially interfere with the residential nature of the district.

► Description – Example Residential

- R-1 Low Density – primarily low density single-family residential development.
- R-2 Moderate Density – moderate density single-family residential development.
- R-3 Medium-High Density – expanded mix of medium and higher density single-family and multi-family.

Article III – Downtown Form-Based Districts

Elements to be Incorporated into Downtown District

Downtown Form-Based District

➤ Downtown Form-Based District (was C-1)

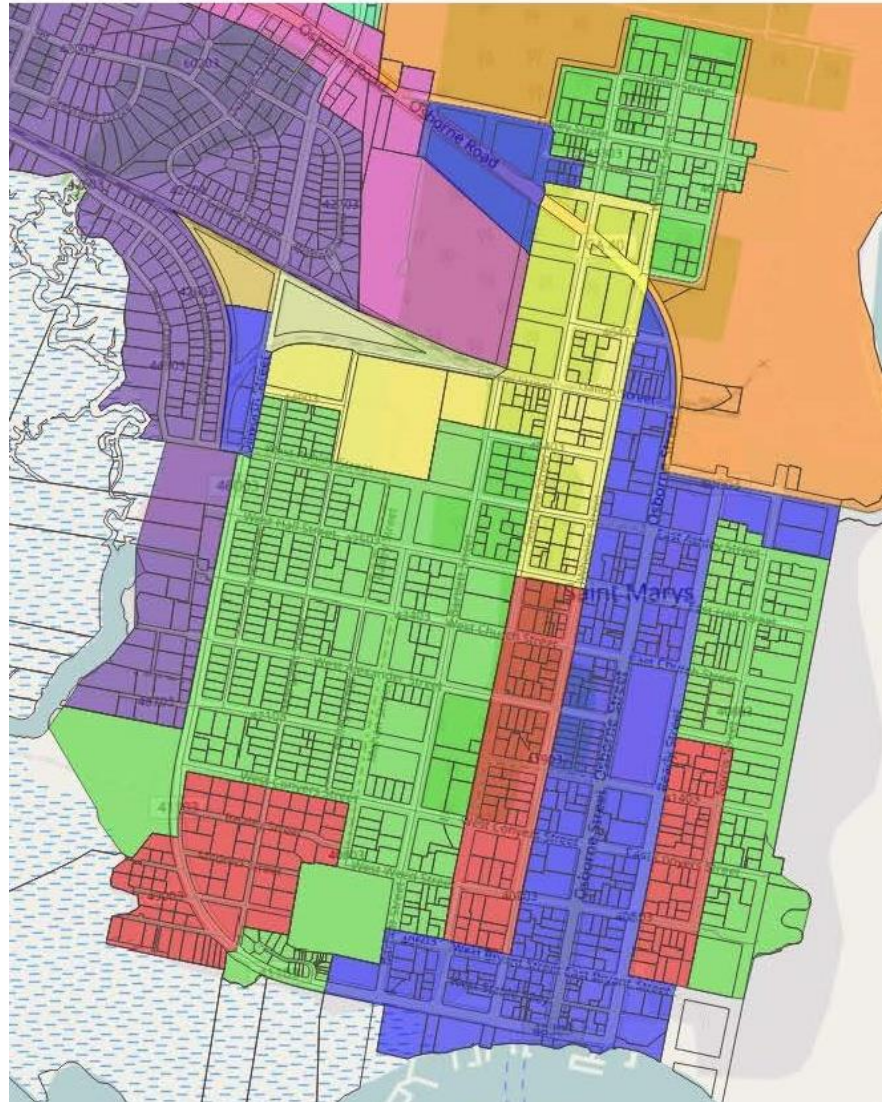
- Rename: “Downtown St. Marys District”
- Include all of Downtown Character Area

➤ Downtown District: Sub-Districts

- Downtown Main Street **(BLUE)**
- Downtown Transitional **(YELLOW)**
- Downtown Cottage Residential **(RED)**
- Downtown Traditional Residential **(GREEN)**

Form-Based Districts – Draft Map

- Downtown Main Street (BLUE)
- Downtown Transitional (YELLOW)
- Downtown Cottage Residential (GREEN)
- Downtown Traditional Residential (RED)



Form-Based Districts (cont'd)

➔ Relationship to Historic District

- Properties within Historic District still subject to Historic District Ordinance

➔ General Concepts

- Allow all types of residential based on location
- Require how buildings address the street
- Require “build-to” standards
- Add building design standards to foster reuse of buildings
- Allow on-street parking to count for part of multi-family required parking

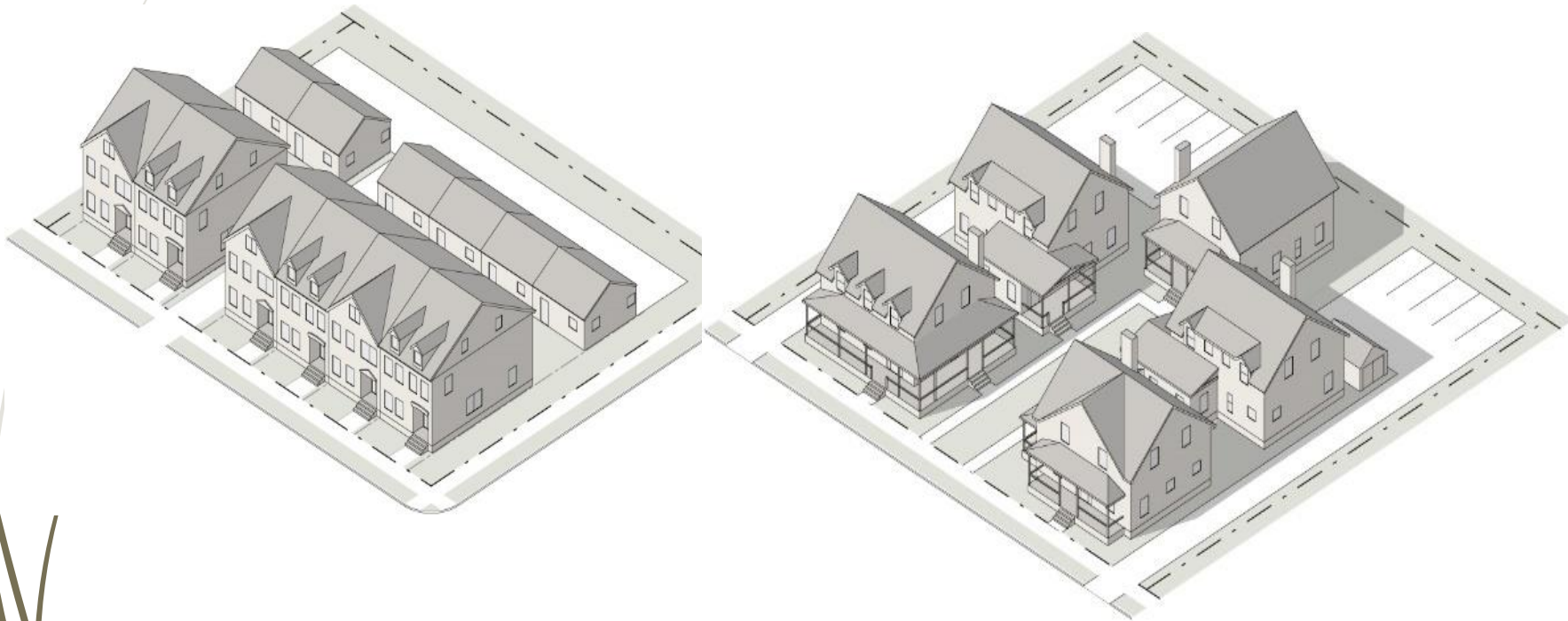
Form-Based Districts (cont'd)

■ Detached and Attached Building Types



Form-Based Districts (cont'd)

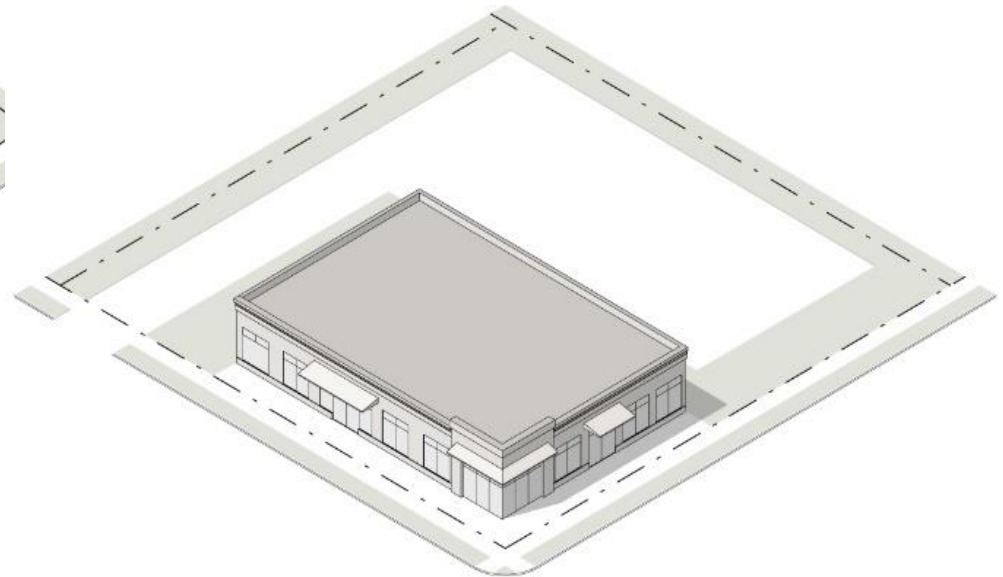
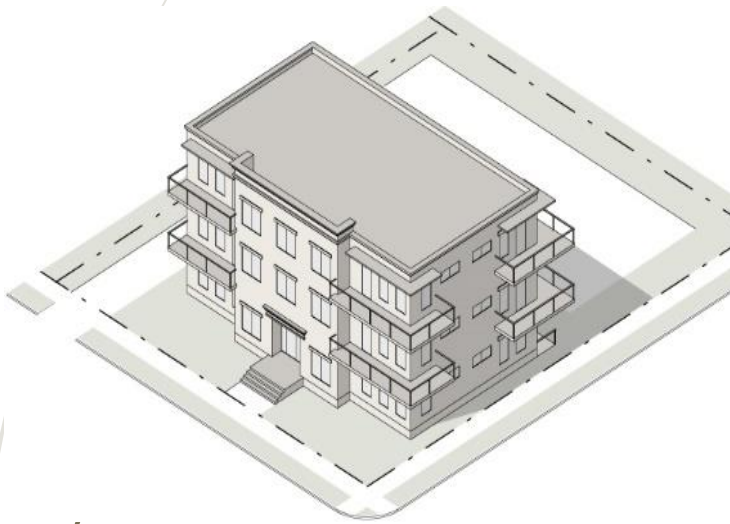
■ Townhomes and Cottage Courts Building Types



Form-Based Districts (cont'd)

21

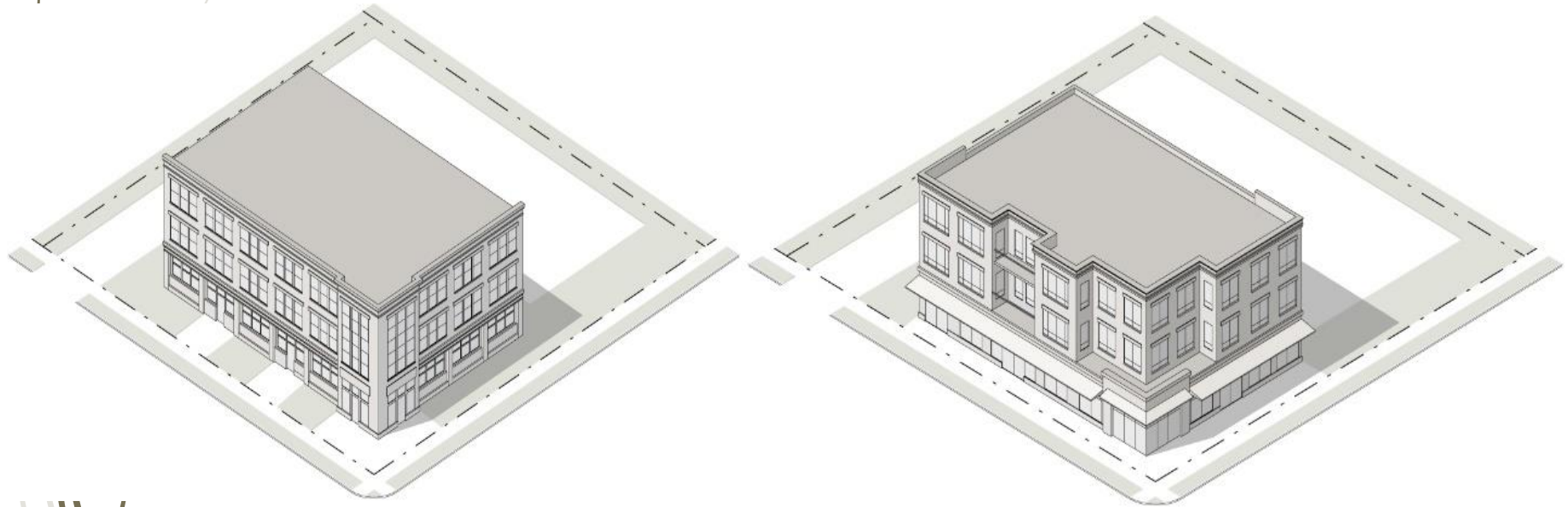
➤ Apartment and Store Front Building Types



Form-Based Districts (cont'd)

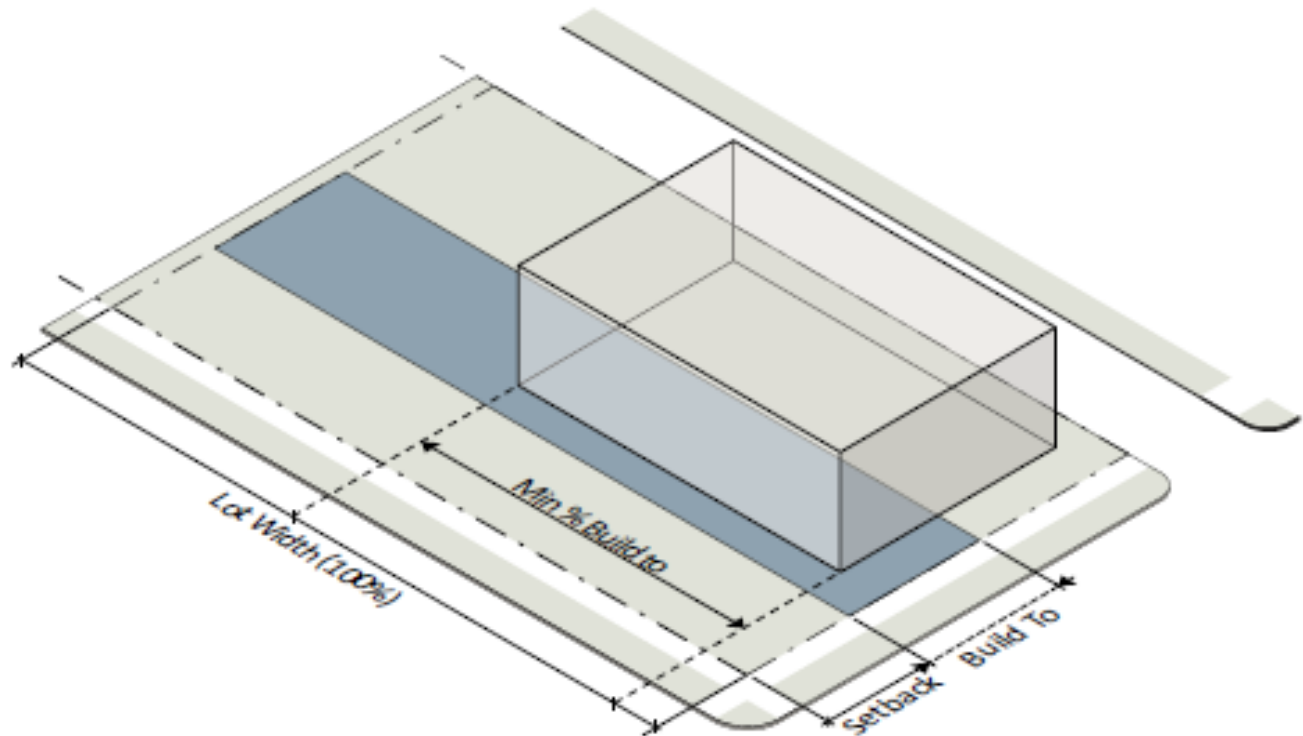
22

General Building and Mixed Use Building Types



Form-Based Districts (cont'd)

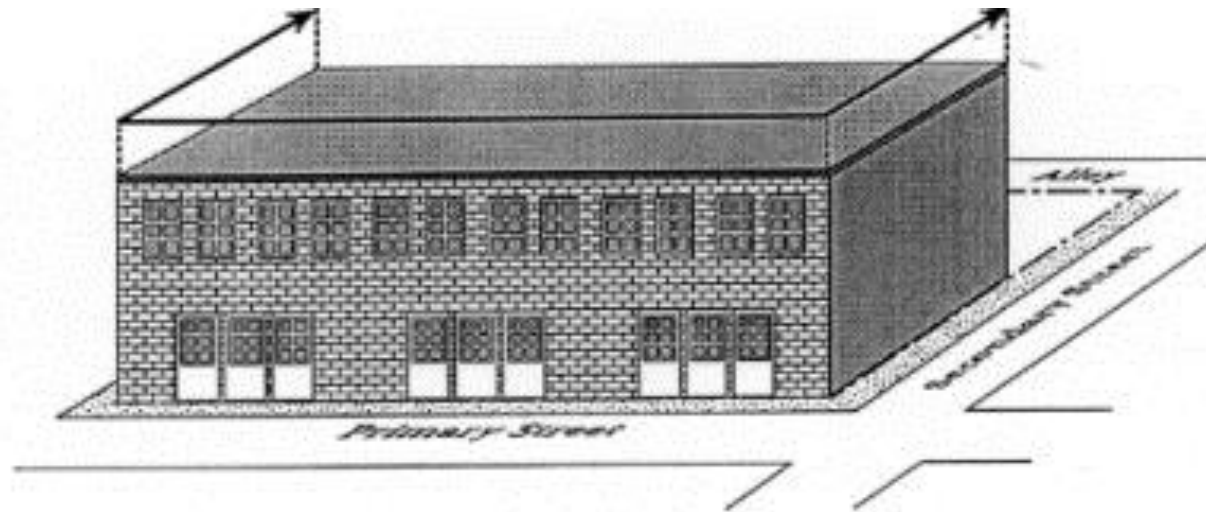
➡ Coding for How Buildings Address Lot



Form-Based Districts (cont'd)

► Coding for Reuse

- Built-to frontage standards

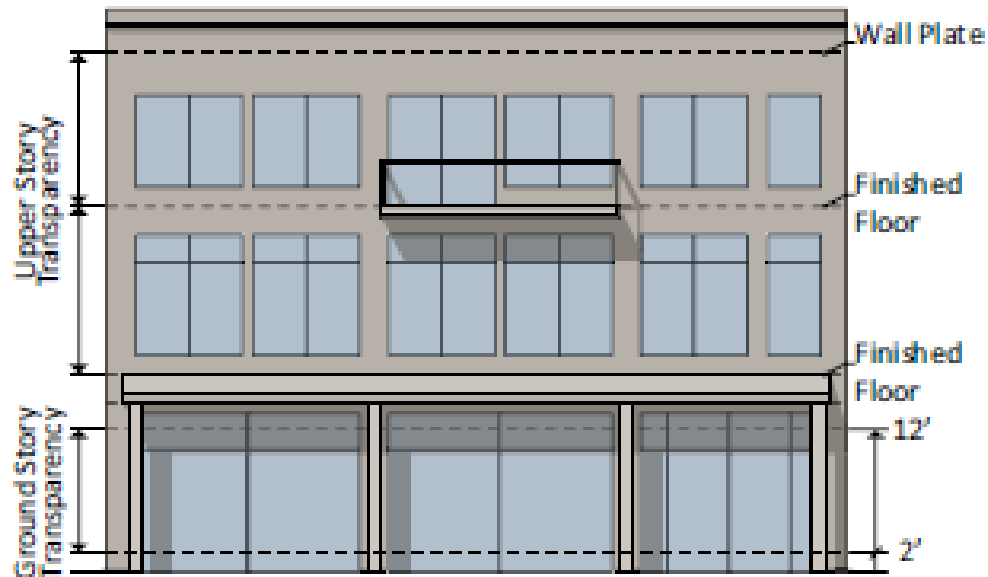


BUILD TO FRONTAGE - PRIMARY FRONTAGE

Form-Based Districts (cont'd)

► Coding for Commerce

- Percent of windows/door transparency on ground level and other floors

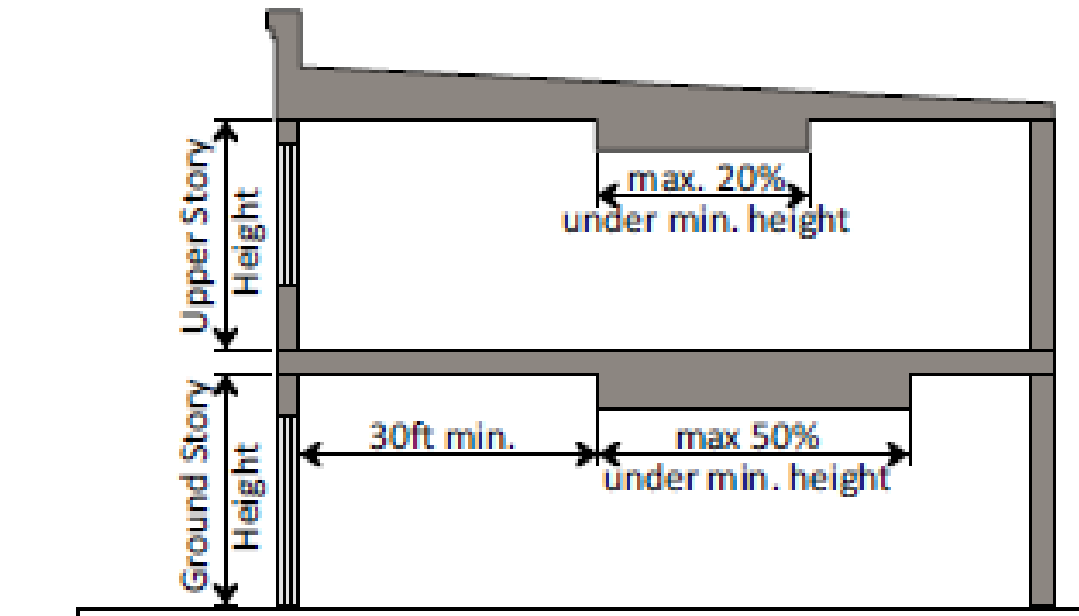


Form-Based Districts (cont'd)

26

➡ Coding for Reuse

- Minimum Heights



Form-Based Districts (cont'd)

➤ Coding for Pedestrian Demands

- Width and placement of sidewalks depend on adjacent land uses

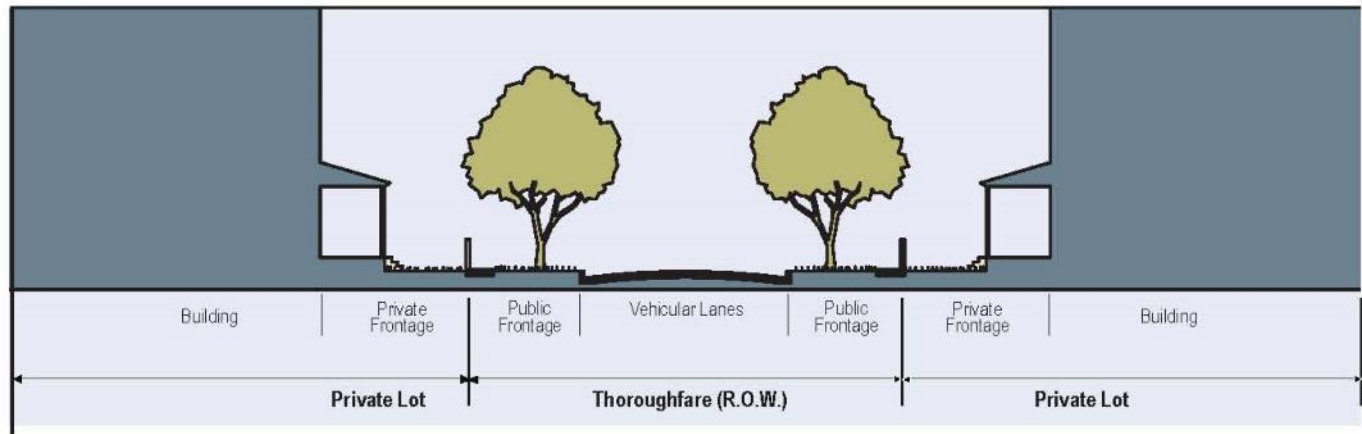


Form-Based Districts (cont'd)

➡ Coding for Public and Private Realms

- Public Realm – Standards for streets, sidewalk, landscaping, lighting, etc.
- Private Realm – Standards for porches, fencing, building placement

a. THOROUGHFARE & FRONTAGES



Article III – Land Uses, Dimensions & Building Types

Proposed Zoning Ordinance Changes



Article III – Land Uses Table

- **Table of permitted and restricted land uses**
 - Rather than narrative format within each district
- **Grouped by primary use categories**
 - Residential
 - Commercial
 - Industrial
 - Agricultural and Forestry
 - Civic & Institutional
- **General groupings rather long list of uses**
 - Only Special Uses" are specifically identified

Art. III – Residential Districts

➡ R-1 District

- Min. lot area: **9,000 sf** (75' x 120') – was 10,000 sf
- Allows **15'** front yard setback IF alley-loaded (vs. 25)
- Side interior setback: **10 ft.** – was 15'
- Front-facing garages may not be forward of the front façade of house except if perpendicular of the house (J-swing)
 - provision for all residential districts
 - Would like to consider greater setback of front-facing garages (5 or 10 feet behind front façade)

Art. III – Residential Districts

32

➤ R-2 District (was SF, Duplex, Triplex & boarding houses)

- Allow Single Family and Duplex by right (delete boarding house)
- Special Permit: Triplex, Quadplex & Townhomes
- SF min. lot area: **5,000 sf** (50' x 100') – was 10,000 sf
- Min. lot area for Duplex Triplex, Quadplex & Townhomes: **3,000 sf per unit** – was 5,000 sf
- Min. lot width: **50 ft.** – was 70' for detached res.
- Min. 30-foot lot width for townhomes (discuss)
- Allows **15'** front yard setback IF alley-loaded (vs. 25')
- Allows a **5-foot** rear yard setback if alley loaded
- Side interior setback reduced to **5 ft.** – was 10'
- Add zero lot line provision (1' and 9')

Art. III – Residential Districts

33

➡ R-3 District (permitted SF, MF, Duplex/Triplex)

- Multi-family district
- Allows by right, duplexes, triplexes, quadplexes and townhomes
- Deleted “condos” – ownership type, not land use
- Min. 10% usable open space required for MF
- Propose development layout/design standards
- Allows “office” as a Special Permit Use
- Discuss deleting min. dwelling size

Art. III – Residential Districts

34

➡ MH - Manufactured Housing District

- Created district to allow manufactured housing park develop with 5000 sf lots
- Added design standards consistent with GA law
- Deleted the R-4 District that permits Manuf. Hsg. but very little existed
- Need to discuss this district and manufactured home locations

Art. III – Commercial Districts

➤ Downtown Main Street Form-Based District

- Was C-1 Central Business District
- Discussed later

➤ Midtown Mixed Use District

- Was C-2 Highway Commercial District
- Includes all of Hwy. 40 and Charlie Smith, Sr.
- Allows a MIX of uses – “Mixed Use” District
- Increased min. lot area: 30,000 sf – was 7,500 sf
- Increased min. lot width: 200’ – was 75’
- Increased front yard set back to 50’ on Hwy. 40
 - 25’ feet if rear loaded
- Increased setbacks & buffers from SF residential (currently 15 feet)

Art. III – Office District

36

➔ O Office District

- Was Office-Apartment District
- Create a purely “Office” District
- Allows Townhomes and Multi-Family by Special Permit
- Removes all commercial uses unless incidental to office or residential uses
- Increases min. lot area: 22,500 sf – was 7,500 sf
- Increases min. lot width: 150' – was 75'

Art. III – Industrial Districts

► I-L Light Industrial District

- Require ALL activity to occur indoors
- Prohibit activity that emits noise, future, dust outside of building
- Prohibit open yards and outside storage
 - Discuss IF allow SCREENED uses
- Increase minimum lot width: 200' – was 100'
- Increase rear setback to: 30' – was 20'
- Added a min. lot size of 1 acre
- Requires site plan approval for all industrial uses

Art. III – Industrial Districts

38

➡ I-G General Industrial District

- Moved these uses from Light Industrial)
 - Boat repair and storage, lumber yards and, sales of rock, sand, gravel
 - Special Permit: Junk and salvage operations
- Increases minimum lot width: 600' – was 200'
- Increases setbacks to 200' for ALL sides
- Added min. lot area of 10 acres
- Requires site plan approval for all industrial uses

Art. III – Deleted Districts

➤ MHD – Maritime Heritage Overlay District

- Many elements moved to new Form-Based District

➤ 1-A Airport Industrial District

- Rezone to Light Industrial (Study underway)

➤ WP – Waste Management District

- Move use to I-G General Industrial and require Special Permit

➤ RVD – Recreational Vehicle and Travel Trailer Parks District

- Approve as a Special Permit in Industrial Districts and require to be served by public sewer and water

Article IV – General Development Standards

Proposed Zoning Ordinance Changes



Art. IV – Gen. Dev. Standards

41

➤ Curb Cuts and Other Points of Access

- No curb cut more frequently than 1 every 400 feet;
- No curb cut more than 35 feet in width (Industrial District exempt)
- No curb cut closer than 50 feet to another curb cut (except single-family)
- No curb cut closer than 100 feet to intersection
- If property's width is less than that required to meet standards curb cut shall be located at furthest point away from intersection.
- Corner lot development shall access street having lesser width ROW or lowest amount of traffic.

Article V – Specific Development Standards

Proposed Zoning Ordinance Changes



Art. V – Specific Standards

► Single Family Residential – Materials / Roofs

- Exterior wall materials shall include wood, brick or brick veneer, stucco, rock or simulated rock, tabby, cement board, wood shingles, vinyl or metal siding to imitate wood siding,
 - but not corrugated metal or plastic panels or EIFS as the primary building material.
- Roof pitch shall be a minimum of 6:12 unless a parapet or mansard roof.

► Single Family Residential – Width/Area

- Minimum horizontal dimension of detached residential structures shall be 24 feet.
- Minimum heated/cooled area shall be 900 sf

Art. V – Specific Standards

➤ Single Family Residential – Garages/Carports

- Constructed of similar materials as house
- 1 garage or carport space per 2 bedrooms.
 - Parking spaces beneath elevated dwellings are meet required parking standards.
 - Front-facing garage doors shall not extend past the front façade of dwelling unless garage door is side entry garage or of a J swing design.
- Garages on front loaded townhomes shall not occupy more than 50% of front façade width.
- Garage doors on attached single family shall be recessed at least 1 foot behind the front facade

Art. V – Specific Standards

➤ Usable Open Space – Townhomes/Apartment

- Shall set aside 10% of the site area as usable open space.
- Usable open space shall not have a slope exceeding 10% or a dimension of less than 20 feet in any direction.
- 50% of a tree conservation or flood plain area may be considered as useable open.
- All residential lots shall be located within 600 feet of usable open space

Art. V – Specific Standards

➤ Accessory Dwelling Units

- Minimum lot area on which an Accessory Dwelling Unit may be located shall be 10,000 sf
- No more than one Accessory Dwelling Unit per lot
- Accessory Dwelling Unit shall be owned by the same person as the principal structure and one of the two dwellings shall be occupied by the owner of the property.
- Accessory Dwelling shall only be located in the established rear yard.

Art. V – Specific Standards

➤ Bed and Breakfast Inn standards

- Added regulation for businesses having 8 rooms or more

➤ Short-term rentals

- Short-Term Rental property shall register the property with the Community Development Department
- Short-Term Rental shall be limited to no more than 2 persons eighteen or older per bedroom and a maximum of 5 persons under the age of 18.

Art. V – Specific Standards

➤ Office, Commerce & Apartments

- Building materials – same as residential
- Roof pitch a minimum of 6:12 or 12:12 unless a parapet or mansard roof
- All building sides shall be architecturally finished on all street-facing sides with articulation, detailing, and features;
- Buildings shall incorporate architectural elements such as awnings, balconies, and colonnades
- Buildings on pad sites shall have similar architectural design characteristics

Art. V – Specific Standards

► Office, Commerce & Apartments

- Build-to
 - Building façades shall occupy at least 50% of the required front setback line
- Building length
 - No building façade shall be longer than 300 feet without an unconnected physical separation of at least 15 feet between buildings or articulated dimension of a minimum of 20 feet;
- Building windows
 - Horizontal dimension of window openings shall not exceed the vertical dimension except as noted below.

Art. V – Specific Standards

➤ Office & Commerce

- All office and commerce developments exceeding 15,000 gross square feet shall provide outdoor amenity areas.
 - Amenity area shall be equal to 5% of the gross square footage of the primary building.
 - Examples of outdoor amenity areas include, but are not limited to, pocket parks, plazas, fountains, public art, and recreational trails.

Art. V – Specific Standards

► Outdoor Display.

- Defined - Outdoor display is the outdoor display of products actively available for sale placed in a fully-enclosed building at the end of each business day.
- Limited to hours of 9:00 am to 6:00 pm.
- Removed and placed inside each night.
- Confined to within 5 feet of the primary building's front façade, shall not occupy more than 30% of the horizontal width of the front façade or 20 feet, whichever is less.

Art. V – Specific Standards

► Outdoor Storage.

- Within a Residential or Form-Based District:
 - No more than 1 licensed / operating commercial vehicle per dwelling no larger than a pick-up truck or van limited to one-ton carrying capacity;
 - No more than 1 licensed / operating boat, RV, camper, trailer, or personal watercraft or other recreational vehicle located behind the plane of the front façade
 - Located on a concrete or asphalt surface if located anywhere except the rear yard;
- Within an Office, or a Commerce or Light Industrial
 - Shall be located behind front façade of building;
 - Shall be located a concrete or asphalt surface;
 - Shall be fully screened from road rights-of-way

Art. V – Specific Standards

➡ Gas / Service Stations

- Pumps shall be located perpendicular to the main roadway
- Car wash facilities shall be located to rear of lot.
- Pump islands and car wash facilities shall be a minimum of 200 feet from any residential structure, residential zoning district or structure housing overnight guests

Art. V – Specific Standards

► Home Occupation.

- Conducted solely by occupant(s) of dwelling
- Occupies no more than 25% of house or 50% of accessory structure.
- No signage
- No visitors

► Home-Based Business.

- May include 1 non-resident employee
- Sale of merchandise or goods produced or assembled on premise
- May provide services such as salon services or animal-grooming;
- Visitor hours limited to 8:00 am to 6:00 pm
- No more than 2 visitor at any one time and no more than ten (10) visitors within 24 hours

Art. V – Specific Standards

➡ Self-Storage Facilities.

- Located a minimum of 100 feet from any public road ROW
- Shall meet design standards for Office, Commerce
- Perimeter shall be enclosed by a fence or wall of at least 6 feet high and meeting Type 1 landscape standards
- Units shall be directly accessed from enclosed corridors and all property shall be located entirely within enclosed buildings. (DISCUSS)

Article VI – Parking & Landscape Buffers

Proposed Zoning Ordinance Changes



Art. VI – Parking & Landscape Buffers

57

► Location of Parking.

- No required parking spaces shall be located within the front yard setback area (except single-family residential)
- Only one driveway shall be permitted per residence
- One on-street parking space may be substituted for every required parking space, provided the on-street space is located on a public right-of-way immediately abutting the subject property.

Art. VI – Parking & Landscape Buffers

58

► Landscape Screening of Parking Lots.

- A minimum 10-foot wide, landscaped area with a continuous row of shrubs shall be provided between the street and parking lot.
- Shrubs shall be a minimum of 18 inches in height when planted and shall reach a minimum size of 36 inches in height within 3 years of planting.
- Required 10-foot landscaped area may be reduced to 5 feet when a 3-foot high masonry wall is erected.
- Street trees shall be shade trees, planted every 30 feet on center, on average.

Art. VI – Parking & Landscape Buffers

59

► Interior Island Landscaping.

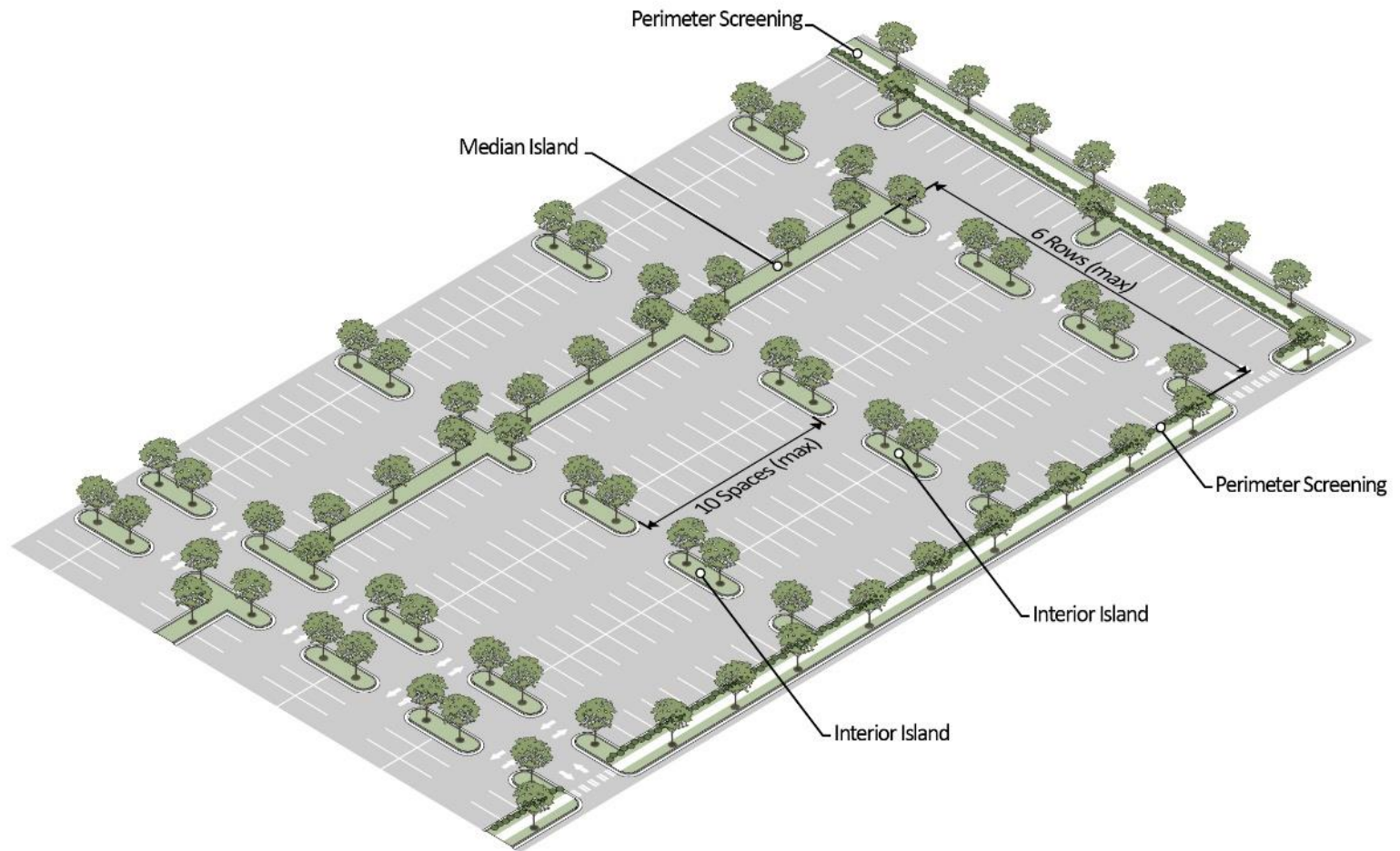
- A landscaped interior island shall be provided every 10 parking spaces.
- An interior island shall be a minimum of 9 feet in width and 320 square feet in area.
- Each interior island shall include at least 2 shade trees.

► Median Island Landscaping.

- A landscape median island shall be provided between every 6 single parking rows.
- A landscape median island shall be a minimum of 5 feet wide.

Art. VI – Parking & Landscape Buffers

60



Art. VI – Parking & Landscape Buffers

61

► Landscape Buffers

- Landscape buffers shall apply when a non-residential development abuts a single-family residential district or a structure used as a single-family residence.
- A building or site may be renovated or repaired without providing additional landscaping and screening.
- When the gross floor area or improved site area is increased by more than 40% cumulatively, both the existing use and the additional floor or site area shall conform to the landscaping requirements of this Zoning Ordinance.

Art. VI – Parking & Landscape Buffers

62



Article VII - Administration

Proposed Zoning Ordinance Changes



Art. VII - Administration

64

➤ Letter of Zoning Compliance Required.

- Prior to issuance of a Building Permit, Certificate of Occupancy, Land Disturbance Permit, Tree Permit, Sign Permit, Assembly Permit, Certificate of Appropriateness, a Letter of Zoning Compliance shall be obtained from the Community Development.

➤ Powers and Duties

- Community Development Director
- Planning Commission (including terms and quorum)
- City Council responsibilities related to Zoning Decisions and Appeals

Art. VII - Administration

65

➤ Nonconforming Landscaping of Nonresidential Properties.

- Nonconforming parking lot and front yard landscaping shall have 7 years to conform to the landscape provisions of this Zoning Ordinance (DISCUSS)

Article VIII – Zoning Decisions & Other Actions

Proposed Zoning Ordinance Changes



Art. VIII – Zoning & Other Actions

➡ Zoning Decisions Defined.

- Zoning Map Amendment;
- Special Use Zoning;
- Zoning Text Amendment
- Comprehensive Change to Official Zoning Map

➡ Special Use Zoning, Explained.

- Special Uses are those uses the City of St. Marys has determined shall be individually considered for zoning action because of the potential impacts
 - Approvals will run with land and transferrable to new owners – considered a rezoning

Art. VIII – Zoning & Other Actions

➤ Site Development Plan

- Applications for a Zoning Map Amendment or Special Use shall be accompanied by a Site Development Plan
- Site Development Plan required for Multi-family and Nonresidential Development.
- Notice of Planning Commission or City Council review of a Site Development Plan shall be in the same manner notice is given for regularly scheduled meetings of the Planning Commission and City Council.

Art. VIII – Zoning & Other Actions

■ Criteria for Reviewing Zoning Decisions.

- Would request to locate a commercial, industrial, or high-density development in a stable, well-maintained neighborhood potentially lead to neighborhood deterioration and additional rezoning request of a similar nature;
- Is use suitable in view of existing adjacent or nearby properties or neighborhoods;
- Will proposed use adversely affect nearby existing use, value, enjoyment or usability;
- Does property have a reasonable economic use as currently zoned;
- Could use cause a burden on existing streets, transportation facilities, utilities, or schools;

Art. VIII – Zoning & Other Actions

► Criteria (cont'd).

- Is consistent with the Comprehensive Plan and other plans;
- Existing or changing conditions affecting use and development of property that support approval or disapproval.
- Is in keeping with the context and scale of adjacent or nearby properties/neighborhoods;
- Is consistent with the current level of activity and hours of operation of adjacent or nearby properties or neighborhoods; and,
- Will use have negative impacts on marshlands, waterways, natural habitats, flood prone areas or stormwater runoff.

Art. VIII – Zoning & Other Actions

► Conflicts of Interests

- Conflicts of Planning Commission and City Council Members
 - shall have the duty before participating in matters related to a Zoning Decision to acquaint themselves with the provisions of O.C.G.A. §36-67A-2 Disclosure of Financial Interest, and shall comply with the provisions of that statute.
- Conflicts of Zoning Applicants and Opponents
 - shall have the duty before participating in matters related to a Zoning Decision to acquaint themselves with the provisions of O.C.G.A. §36-67A-3 Disclosure of Campaign Contributions.

Art. VIII – Zoning & Other Actions

➤ Public Hearing Process for Zoning Decision

- Substantially revised and detailed concerning process – particularly procedures during the hearing

➤ Appeals of Zoning Decisions to Superior Court

➤ Provisions for Withdrawal and Continuance of Zoning Applications

- The Planning Commission or City Council shall vote on whether to grant the Applicant's request for continuance or rescheduling of the Zoning Application.

Art. VIII – Zoning & Other Actions

■ Standards for Zoning Ordinance Text and Map Amendments by Planning Commission and City Council – proposed amendment ...

- Consistent with the purpose and intent of this Zoning?
- Further or is it compatible with the purpose and intent of the Comprehensive Plan?
- Required to adequately address new or changing conditions or implement the Comprehensive Plan?
- Reasonably promote the public health, safety, morality or general welfare?

Art. VIII – Zoning & Other Actions

74

➤ Public Hearings and Zoning Hearings for Drug Treatment Facilities.

- Specific requirements by the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-4(f)) for zoning of Halfway House, Drug Rehabilitation Center, or Other Facility for Treatment of Drug Dependency
- Zoning of Land Proposed for Annexation.

➤ Public Hearing on Proposed Annexed Land.

- Prior to adoption of an annexation ordinance by the City or the effective date finalizing annexation, the Planning Commission shall hold a public hearing on the proposed zoning of the property to be annexed.

Art. VIII – Zoning & Other Actions

► Notification of Base Commander on Proposed Zoning.

- When a rezoning is being considered on land that is within 3000 feet of the Naval Submarine Base Kings Bay, the Community Development Director shall request the commander of the military base to provide a written recommendation and supporting facts relating to the proposed use of the land being considered for rezoning.

► Review of Developments of Regional Impact (DRI).

- Added provisions related to DRI

Article IX - Appeals

Proposed Zoning Ordinance Changes



Art. IX - Appeals

► Types of Appeals.

- Administrative Order, Decision or Interpretation.
 - an error is alleged in any order, requirement, decision, interpretation, or determination made by the Community Development Director in the administration or enforcement of Zoning Ordinance and/or Official Zoning Map.
- Special Exceptions.
 - relief from the strict interpretation or enforcement of this Zoning Ordinance that are not inconsistent with the protection of the public health, safety, morals or general welfare.
- Hardship Variance.
 - compliance with requirements of this Zoning Ordinance would create a hardship unique to a property due to physical characteristics that are beyond the property owner's control.

Art. IX - Appeals

78

► Conditions of Special Exceptions.

- Provide relief from the strict interpretation or enforcement of this Zoning Ordinance that are not inconsistent with ordinance
- Allows the Community Development Director or Planning Commission to grant a small amount of relief from the standards of this Zoning Ordinance.
- Relief shall be limited to specific listed elements
- Appealable to Planning Commission OR Community Development Director may decide not to take action on Special Exception request thus appeal to Planning Commission

Art. IX - Appeals

► Conditions of Special Exceptions

- Approval of a Home-Based Business;

► Change of no more than 10%:

- building height
- building setbacks
- lot width
- floor area requirements for dwellings
- impervious coverage
- maximum first floor elevation above 2 foot base flood elevation
- parking spaces
- sf of accessory building
- Modification of buffer or site landscaping
- building transparency, building materials, and other required architectural elements

Art. IX - Appeals

80

► Conditions of Hardship Variance.

- Exceptional or extraordinary conditions apply to land, structure, or building which do not generally apply to other properties in the same vicinity – shape, topography, etc.
- Literal interpretation of the provisions of Zoning Ordinance would deprive the Applicant of rights commonly enjoyed by other properties;
- Special conditions do not result from actions of Applicant;
- Granting variance requested will not confer on Applicant any special privilege; and,
- Request is limited to extent necessary to alleviate the unnecessary hardship

Art. IX - Appeals

► Explicit Process of Appeal to City Council of Planning Commission for

- Special Exceptions
- Hardship Variances

► Transcription of Appeal.

- All proceedings of the Planning Commission and City Council shall be recorded. The recording of the proceedings shall be retained until any further appeals on a request have been exhausted.

Article X – Enforcement and Penalties

Proposed Zoning Ordinance Changes



Art. X – Enforcement & Penalties

► Enforcement Officer.

- When a violation of the Zoning Ordinance has come to the attention of the Community Development Director, the Director shall have the responsibility to ensure that an inspection of the property is conducted to determine if a violation of this Zoning Ordinance.

► Notice of Violation

► Civil and Criminal Penalties

Art. X – Enforcement & Penalties

84

➔ Administrative Actions for Violation.

- Issue stop work order;
- Issue cease and desist order;
- Withhold certificate of occupancy;
- Suspend, revoke or modify City-issued permit;
- Require remove illegal structures;
- Require restoring of vegetative cover; and or,
- Notify U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers.

Article XI – Definitions

Proposed Zoning Ordinance Changes



